

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VENETTA BOWEN	:	
3639 Marietta Avenue, Apt # 1	:	
Lancaster, PA 17601	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	CASE NO.: _____
v.	:	
	:	
KEYSTONE HUMAN SERVICE	:	
SYSTEMS, INC., d/b/a KEYSTONE	:	
HUMAN SERVICES OF LANCASTER	:	
211 Granite Run Drive	:	<b>JURY TRIAL DEMANDED</b>
Lancaster, PA 17601	:	
	:	
Defendant.	:	
	:	

**CIVIL ACTION COMPLAINT**

Plaintiff, Venetta Bowen (hereinafter referred to as "Plaintiff" unless indicated otherwise), hereby complains as follows against Keystone Human Service Systems, Inc., d/b/a Keystone Human Services of Lancaster (hereinafter referred to as "Defendant" unless otherwise indicated), and avers as follows:

**INTRODUCTION**

1. Plaintiff initiates the instant action to redress violations by Defendant of Title VII of the Civil Rights Act of 1964 ("Title VII" - 42 U.S.C. §§ 2000e *et. seq.*), the Family and Medical Leave Act ("FMLA" - 29 U.S.C. §§ 2601 *et. seq.*), and applicable state law(s).<sup>1</sup> The terms and conditions of Plaintiff's employment were unlawfully altered, and she was denied a promotion in violation of the above laws.

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<sup>1</sup> Plaintiff will move to amend her instant lawsuit to include claims under the PHRA when her claims before the PHRC are fully exhausted administratively. Such claims will mirror identically Plaintiff's current federal claims under Title VII and are interpreted in the Third Circuit in the same manner.

**JURISDICTION AND VENUE**

2. This Court, in accordance with 28 U.S.C. § 1331, has jurisdiction over Plaintiff's claims, because this civil action arises under a law of the United States.

3. This Court may properly maintain personal jurisdiction over Defendant because Defendant's contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendants to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945) and its progeny.

4. Pursuant to 28 U.S.C. § 1331(b)(1) and (b)(2), venue is properly laid in this district because all of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district and Defendant is deemed to reside where it is subject to personal jurisdiction, rendering Defendant a citizen of the Eastern District of Pennsylvania.

5. Plaintiff is proceeding herein under Title VII and has properly exhausted her administrative remedies by timely filing a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC") and by filing the instant lawsuit within ninety (90) days of receiving a notice of dismissal and/or right-to-sue letter from the EEOC.

**PARTIES**

6. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

7. Plaintiff is an adult individual, with an address as set forth in the caption.

8. Defendant Keystone Human Services, Inc. ("Defendant") is an entity that provides care, assistance, and living oversight for individuals who suffer from mental

retardation, autism, and other mental-health problems. This entity is also incorporated in Pennsylvania.

9. Defendant is an “employer” within the meaning of the FMLA because, at all times relevant herein, Defendant has employed at least fifty (50) or more employees for at least 20 weeks during each calendar year of Plaintiff’s employment with Defendant.

#### **FACTUAL BACKGROUND**

10. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

11. Plaintiff was employed with Defendant as a Senior Support Specialist for approximately five (5) years through mid-2014, and Plaintiff was considered to work from Defendant's Lancaster, Pennsylvania location ("the Lancaster location").

12. During her period of employment with Defendant, she was supervised indirectly by one Mary LaRochelle, a Service Director for Defendant within the Lancaster location. Plaintiff also had a direct supervisor above her reporting to LaRochelle.

13. Through early 2014, Plaintiff was advanced in a pregnancy, as she ranged from 6-9 months pregnant through the first several months of the year (January through March of 2014).

14. Very early into 2014, Plaintiff had confirmed with LaRochelle and human resources of her intent to take a maternity leave and provided estimated maternity leave dates for her leave of absence (a leave of absence that was FMLA qualifying).

15. Prior to Plaintiff's actual maternity leave, which extended from on or about April 4, 2014 through on or about June 9, 2014, Plaintiff's immediate supervisor ceased working as a supervisor of Plaintiff.

16. In 2014 and prior to her maternity leave, Plaintiff was asked to fill in as a supervisor and was paid enhanced compensation for performing the role of her primary supervisor. Plaintiff was exceptionally qualified to perform the supervisory role and performed it very well.

17. Plaintiff discussed with Defendant's management, including LaRochelle, the possibility of her being hired full-time for the position and clearly expressed the desire for continuity in the same position on a going-forward basis.

18. In or about late March of 2014, Plaintiff was however informed by LaRochelle that LaRochelle didn't think she could handle the supervisor position as a new mom in light her pregnancy and with her upcoming leave (which was FMLA leave).

19. As a direct consequence of LaRochelle's directly expressed discriminatory views, Plaintiff was not considered or permitted to remain in the supervisor position she had performed on a full-time basis leading up to her FMLA-qualifying maternity leave. Specifically, as of late March 2014, Plaintiff was informed she would not be given the supervisory position formally or permanently due to LaRochelle's discriminatory views.

20. Instead of giving Plaintiff the promotion to supervisor for which she was qualified and specifically sought, the position was given to a male with minimal (if any) experience (but in any event, far less qualification and experience than Plaintiff possessed).

21. Following her return from the aforesaid maternity leave, Plaintiff continued to work in a non-promoted capacity with Defendant.

**First Cause of Action**  
**Violations of Title VII of the Civil Rights Act of 1964 ("Title VII")**  
**(Pregnancy / Gender Discrimination)**  
**- Against All Defendants -**

22. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

23. Plaintiff was not promoted to a supervisory position solely by attributes of her gender and/or pregnancy, which constitutes unlawful discrimination.

24. These actions as aforesaid constitute violations of Title VII (and/or the Pregnancy Discrimination Act).

**Second Cause of Action**  
**Violations of the Family and Medical Leave Act ("FMLA")**  
**(Interference & Retaliation)**  
**- Against All Defendants -**

25. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

26. Plaintiff worked for Defendant for more than 1 year.

27. Plaintiff worked for Defendant for at least 1,250 hours in the year preceding her medical leave of absence commencing in April of 2014.

28. Defendant is engaged in a business affecting interstate commerce.

29. Defendant Keystone employed at least 50 employees within 75 miles of Plaintiff's worksite(s) for the entire years of 2013 and 2014.

30. Plaintiff was eligible for FMLA leave as of April of 2014.

31. Defendant unlawfully took into consideration Plaintiff's need for FMLA leave, her attempt to exercise her FMLA rights, her request for FMLA leave, and her intended use of FMLA leave as a material consideration in deciding not to promote her in the Spring of 2014.

32. These actions as aforesaid constitute both interference and retaliation violations of the FMLA.

**WHEREFORE**, Plaintiff prays that this Court enter an Order providing that:

A. Defendant is to be prohibited from continuing to maintain its illegal policy, practice or custom of discriminating against and/or retaliating against employees (including Plaintiff) and is to be ordered to promulgate an effective policy against such discrimination and to adhere thereto and/or to properly promote Plaintiff and make her whole for losses she suffered on account of her discriminatory and/or retaliatory treatment;

B. Defendant is to compensate Plaintiff, reimburse Plaintiff and make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for Defendant's illegal actions, including but not limited to past lost earnings, future lost earnings, salary, pay increases, bonuses, medical and other benefits, training, promotions, pension, and seniority. Plaintiff should be accorded those benefits illegally withheld from the date she first suffered discrimination, interference and/or retaliation at the hands of Defendant until the date of verdict;

C. Plaintiff is to be awarded liquidated or punitive damages, as permitted by applicable law, in an amount believed by the Court or trier of fact to be appropriate to punish Defendant for its willful, deliberate, malicious and outrageous conduct and to deter Defendant or other employers from engaging in such misconduct in the future;

D. Plaintiff is to be awarded damages for emotional distress and/or pain and suffering and is to be accorded any and all other equitable and legal relief as the Court deems just, proper and appropriate (where legally permitted);

E. Plaintiff is to be awarded the costs and expenses of this action and reasonable legal fees as provided by applicable federal and state law;

F. Any verdict in favor of Plaintiff is to be molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal law; and

G. Plaintiff's claims are to receive a trial by jury to the extent allowed by applicable law. Plaintiff has also endorsed this demand on the caption of this Complaint in accordance with Federal Rule of Civil Procedure 38(b).

Respectfully submitted,

**KARPF, KARPF & CERUTTI, P.C.**

By:

Ari R. Karpf  
3331 Street Road  
Two Greenwood Square  
Suite 128  
Bensalem, PA 19020  
(215) 639-0801

Dated: April 14, 2015

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

VENETTA BOWEN

**CIVIL ACTION**

v.

KEYSTONE HUMAN SERVICE SYSTEMS, INC.  
d/b/a KEYSTONE HUMAN SERVICES OF

NO.

LANCASTER

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

4/14/2015	Ari R. Karpf	Plaintiff
Date	Attorney-at-law	Attorney for
(215) 639-0801	(215) 639-4970	akarpf@karpf-law.com
Telephone	FAX Number	E-Mail Address

## UNITED STATES DISTRICT COURT

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM** to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 3639 Marietta Avenue, Apt #1, Lancaster, PA 17601

Address of Defendant: 211 Granite Run Drive, Lancaster, PA 17601

Place of Accident, Incident or Transaction: Defendant's place of business

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multidistrict litigation possibilities?

Yes  No

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes  No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes  No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes  No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes  No

**CIVIL: (Place ✓ in ONE CATEGORY ONLY)**

A. *Federal Question Cases:*

1.  Indemnity Contract, Marine Contract, and All Other Contracts

2.  FELA

3.  Jones Act-Personal Injury

4.  Antitrust

5.  Patent

6.  Labor-Management Relations

7.  Civil Rights

8.  Habeas Corpus

9.  Securities Act(s) Cases

10.  Social Security Review Cases

11.  All other Federal Question Cases

(Please specify) \_\_\_\_\_

B. *Diversity Jurisdiction Cases:*

1.  Insurance Contract and Other Contracts

2.  Airplane Personal Injury

3.  Assault, Defamation

4.  Marine Personal Injury

5.  Motor Vehicle Personal Injury

6.  Other Personal Injury (Please specify)

7.  Products Liability

8.  Products Liability — Asbestos

9.  All other Diversity Cases

(Please specify) \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(Check Appropriate Category)

I, Ari R. Karpf

, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 4/14/2015

ARK2484

Attorney I.D.# 91538

NOTE: A trial de novo will be a trial by jury only if there has been compliance with P.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/14/2015

ARK2484

Attorney I.D.# 91538

CIV. 609 (5/2012)

